

ORIGINAL FOR

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CLERK, U.S. DISTRICT COURT
By _____
Deputy

ROBERT N. GOLDSTEIN,
GOLDSTEIN/HABEEB
ENTERTAINMENT, INC., and
CHEATERS, LTD.,
Plaintiffs

CAUSE NO. 03-CV-0266N

VS.

TOMMY HABEEB,
Defendant.

§ § § § §

DEFENDANT'S PROPOSED FINDINGS OF FACT IN CONCLUSION OF LAW

Came on to be heard the above styled and numbered cause and at the conclusion of same and after considering the testimony and reviewing the evidence, the Court finds the following facts:

1. That Robert N. Goldstein is not the sole owner of all copyrights and service marks at issue in this case.
2. That Defendant Tommy Habeeb did not infringe on any copyrights.
3. That Defendant Tommy Habeeb did not breach any fiduciary duties.
4. That Plaintiff is not entitled to any relief.

Respectfully submitted,

BERGMAN & BIRD, L.L.P.

By:

Andrew A. Bergman
State Bar No. 02196300
Paul A. Sartin
State Bar No. 24034668
4514 Travis Street, Suite 300
Dallas, Texas 75205

Telephone (214) 528-2444
Facsimile (214) 599-0602
ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

This will certify that a true and correct copy of the foregoing Defendant's Proposed Findings of Fact in Conclusion of Law was served upon Timothy Sorenson, 1717 Main Street, Suite 5500, LB #49, Dallas, Texas 75201 in accordance with the Texas Rules of Civil Procedure on this 21st day of December, 2003.

A handwritten signature in black ink, appearing to read 'A. Bergman', is written over a horizontal line.

Andrew A. Bergman